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5 **UNITED STATES DISTRICT COURT**
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EASTERN DISTRICT OF CALIFORNIA

8 ELMAR K. SCOTT, Case No. 1:20-cv-01297-AWI-EPG-HC
9 Petitioner,
10 v.
11 COVELLO, ORDER VACATING FINDINGS AND
12 Respondent. ORDER DENYING PETITIONER'S
APPLICATION TO PROCEED IN FORMA
PAUPERIS AS MOOT
13 (ECF Nos. 2, 9)

14 Petitioner Elmar K. Scott is a state prisoner proceeding *pro se* with a petition for writ of
15 habeas corpus pursuant to 28 U.S.C. § 2254.

16 On September 16, 2020, the undersigned issued findings and recommendation
17 recommending Petitioner's application to proceed *in forma pauperis* be denied. (ECF No. 9). On
18 September 24, 2020, the Court received the \$5.00 filing fee.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. The findings and recommendation (ECF No. 9) is VACATED; and
21 2. Petitioner's application to proceed *in forma pauperis* (ECF No. 2) is DENIED as MOOT.

22 IT IS SO ORDERED.
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24 Dated: September 28, 2020

/s/ *Eric P. Groj*
25 UNITED STATES MAGISTRATE JUDGE
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